

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DAVID G. STERN,  
Petitioner

v.

CIVIL ACTION NO. 04-10465-NG

DAVID L. WINN,  
Respondent

STATUS REPORT

NOW COMES the Petitioner, David G. Stern, and herewith files the foregoing as a status report regarding the compliance (or lack thereof) by the BOP and Respondent with the Order of this Court dated September 17, 2004. Upon information and belief, upon receipt of the Order, Assistant United States Attorney Jeremy Sternberg promptly notified the Respondent. By letter dated September 20, 2004, Petitioner noticed Mr. Sternberg that since Petitioner has already been qualified for release to a community confinement facility, the only matter that required the good faith consideration of Respondent was that of changing the date of said transfer from January 7, 2005 to the most immediately available date, a purely administrative matter and one done virtually every day at FMC-Devens. Petitioner is personally informed by virtue of his duties as a town driver (one of only two at FMC-Devens) that inmates are routinely and almost daily released to community confinement facilities. He has personally driven scores of inmates to Coolidge House in Boston and to public transportation (Logan Airport, Worcester Bus Terminal and Acton Commuter Rail Station) for said transfer.

On September 21, 2004, Petitioner asked his unit manager, Nancy Patterson, if she was aware of this Court's Order, to which she replied 'it's with legal and the Warden' and further that 'I can't talk to you'. As the senior administrative person to whom Petitioner has access and who is charged with processing transfers, Petitioner is without a source of information regarding

compliance with both the spirit and the terms of the Court's Order.

Petitioner has no reason to believe that the BOP will deal with this Court's Order any differently than it has done in the past with Orders from other courts relating to this issue. The Court is urged to take a more proactive role in assuring the implementation of its Order, especially in light of Petitioner's precarious position as an inmate, albeit an inmate with clear conduct, outstanding work evaluations, regular release into the community as a town driver, recently granted a social furlough, and strong family ties, who has no outstanding fine or restitution. It is further noted that Petitioner's sentence and conviction are under appeal (see Motion for Additional Relief).

Respectfully submitted,

David G. Stern  
23799-038  
Federal Medical Center-Devens  
P.O.Box 879  
Ayer, MA 01432

September 22, 2004

CERTIFICATE OF SERVICE

I, David G. Stern, hereby certify that a copy of the within Status Report was this day mailed to Jeremy Sternberg, AUSA, first class mail, postage prepaid, 1 Courthouse Way, Boston, MA 02210.

David G. Stern

September 22, 2004